

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO**

JAMES ANDRE BLACK,  
*Petitioner,*

v.

Crim. No. 1:04-CR-00057-SSB-2

UNITED STATES OF AMERICA,  
*Respondent.*

**MOTION TO HOLD IN ABEYANCE**  
**SECOND OR SUCCESSIVE MOTION TO CORRECT SENTENCE**  
**UNDER 28 U.S.C. § 2255**  
**PENDING SIXTH CIRCUIT RULING**

Now comes Petitioner, James Andre Black, through undersigned counsel, respectfully moves this Court to hold his Motion to vacate and correct his sentence pursuant to 28 U.S.C. § 2255 in abeyance pending the Sixth Circuit's ruling on his Motion to file a successive habeas petition.

Due to the deadline for filing a *Johnson* claim, Mr. Black is filing this petition in this Court at the same time he is seeking permission to file a petition in the Sixth Circuit.

The Federal Public Defender has advised all panel attorneys to file the motion in the District Court by June 22 in order to avoid any timing problems. The FD believes the US Attorney's Office may argue that a failure to file a duplicative motion in the District Court constitutes missing of the deadline. Accordingly, Mr. Black moves this Court to hold his Motion in abeyance until the Sixth Circuit has authorized the filing of his §2255 motion.

Respectfully submitted,

/s/ Candace C. Crouse

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served via this Court's electronic filing system on all counsel of record on this 21st day of June, 2016.

/s/ Candace C. Crouse

CANDACE C. CROUSE (0072405)